

Submitted by:

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**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF UTAH – CENTRAL DIVISION**

AMERICAN ECONOMY INSURANCE
COMPANY, an Indiana Corporation, and
AMERICAN STATES INSURANCE COMPANY,
an Indiana Corporation,

Plaintiffs,

vs.

AQUATHERM L.P. a Delaware limited
partnership, AETNA NA L.C. f/k/a AQUATHERM
NA L.C., a Utah Limited Liability Company,
AQUATHERM, INC., a Utah corporation, KING
COUNTY, a Washington municipal corporation,
ZURICH AMERICAN INSURANCE COMPANY,
a New York corporation, and AMERICAN
GUARANTEE LIABILITY INSURANCE
COMPANY, a New York Corporation,
Defendants.

AQUATHERM L.P., AETNA NA L.C. f/k/a
AQUATHERM NA L.C., AQUATHERM, INC.,

Counterclaim Plaintiffs,

vs.

AMERICAN ECONOMY INSURANCE
COMPANY and AMERICAN STATES
INSURANCE COMPANY, an Indiana
Corporation

Counterclaim Defendants.

JOINT STATUS REPORT

Case No.: 2:23-cv-00529-DB

Judge: David Barlow

Magistrate Judge: Daphne A. Oberg

Plaintiffs and Counterclaim Defendants American Economy Insurance Company (“AEIC”) and American States Insurance Company (“ASIC”) by and through their counsel of record, Defendants and Counterclaim Plaintiffs Aquatherm L.P., Aetna NA L.C. f/k/a/ Aquatherm NA LC, and Aquatherm, Inc. (“Aquatherm U.S. Distributors”), by and through their counsel of record, Defendant King County, by and through its counsel of record and Defendants Zurich American Insurance Company (“ZAIC”) and American Guarantee Liability Insurance Company (“AGLIC”), by and through their counsel of record, respectfully submit the following Joint Status Report. In late April, counsel for the Aquatherm U.S. Distributors informed the Court that the parties had reached a settlement with respect to the claims made in this declaratory judgment action and the claims which King County asserted and obtained a judgment against the Aquatherm Distributors lawsuit filed in the Superior Court of the State of Washington, King County, styled *King County v. Aquatherm GMBH et al*, Case No. 19-2-07910-0 SEA (“Underlying Suit”) which is on appeal. The settlement agreements are either in final form or nearly in final form, and it is anticipated that the settlement agreements will be fully executed and the settlement is fully funded within the next forty-five day period. The parties anticipate that their counsel will file a Stipulated Motion to Dismiss this action with prejudice and proposed Order of Dismissal for the Court’s review and consideration on or before August 23, 2024.

Dated this 9th day of July, 2024.

CHRISTENSEN & JENSEN

/s/ Rebecca L. Hill

Rebecca L. Hill

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CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2024, either myself or my assistant electronically filed the foregoing **JOINT STATUS REPORT** with the Clerk of the Court using the CM/ECF system, which sent notification to all counsel of record.

/s/ Rebecca L. Hill